

WEST AREA PLANNING COMMITTEE

13th September 2012

Application Number: 12/01853/FUL

Decision Due by: 12th September 2012

Proposal: Demolition of existing dwelling house. Erection of 3 storey terrace (including basement) building to provide 2x4 bed semi-detached dwelling houses (Class C3) with car parking, bin and cycle stores. (Amended plans)

Site Address: 71 Hill Top Road Oxford (Appendix 1)

Ward: St Clement's Ward

Agent: Kemp And Kemp

Applicant: VO Properties

This application is required to be determined by Committee as it has been called in by Councillors Clack, Rowley, Kennedy, Lloyd-Shogbesan and Van Nooijen on the grounds it involves the creation of a new dwelling and should therefore be considered in public.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed new houses are considered to be make more efficient use of an appropriate and sustainably located site to create development that is visually commensurate with its surroundings given that it responds to the character and appearance of the area. The proposals are further considered to adequately safeguard neighbouring residential amenity and provide adequate car and cycle parking such that the proposals will not materially harm highway safety. Consequently the proposals are considered to accord with policies CP1, CP6, CP8, CP9, CP10, HS19, HS21, TR3 and TR4 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as emerging policies HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan Submission Document.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Removal of PD rights to extend dwellings
- 5 Obscurely glazed and fixed shut windows in north-west elevation only
- 6 Foul and surface water drainage details
- 7 Cycle/Car parking laid out prior to use
- 8 SuDS compliant surfacing
- 9 Construction Traffic Management Plan required prior to commencement
- 10 Vision Splays required
- 11 Bin storage to be laid out prior to use
- 12 Details of boundary treatment required prior to commencement
- 13 Phased contamination risk assessment required prior to commencement
- 14 Archaeology – Written scheme of investigation required prior to commencement

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Developmt to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Developmnt to Meet Functional Needs
- HS19** - Privacy & Amenity
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Core Strategy

- CS2_** - Previously developed and greenfield land

CS18_ - Urb design, town character, historic env

Sites and Housing Plan - Submission

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

61/11487/A_H - 71/73 Hill Top Road - Erection of two cedar wood houses with car ports and stores. Permitted 28th November 1961.

92/00993/NF - Demolition of existing dwelling. Erection of 2 storey dwelling to provide accommodation for 4 disabled people. Allowed on appeal 24th March 1993.

12/00903/FUL - Demolition of existing dwelling house. Erection of 3 storey terrace (including basement) building to provide 3x4 bed semi-detached dwelling houses with car parking, bin and cycle stores. Withdrawn 24th May 2012.

Representations Received:

One third party objection has been received from No. 69 Hill Top Road citing the following concerns:

- Reducing the green space on the plot would have an adverse impact on biodiversity given the proximity of the site to Warneford Meadow;
- Insufficient off-street parking proposed;
- Proposals will result in the loss of a hedgerow between 69 and 71 Hill Top Road which is owned by 69 Hill Top;
- A tree survey has not been submitted yet there is a large conifer tree on the opposite side of the road to the site frontage which could be harmed;
- The houses will block out light to the side windows of 69 Hill Top Road which will be harmful to the enjoyment of the main living areas of the house including kitchen/diner at ground floor level and first floor bedroom;
- No other houses in the road have basements or dormer windows so the proposals are out of character with the area;
- The proposals involve the removal of a boundary hedgerow which may not be within the site ownership;
- There are restrictive covenants covering the application site that affect development on the site;
- The developer has not sought to consult any neighbours who would be

affected by the proposed development.

Statutory and Internal Consultees:

Oxfordshire County Council Drainage Officer – All surfacing should be permeable with surface water addressed on site.

Highway Authority – No objection subject to conditions including the requirement for a Construction Traffic Management Plan, vision splays to be provided, no surface water to drain onto the highway and cycle/bin storage facilities to be provided.

Environmental Health – No objection subject to a condition being imposed requiring a phased contamination risk assessment to be carried out prior to commencement of the development.

Thames Water Plc – The applicant should incorporate within their proposal protection to the properties a non-return valve or other suitable device to avoid the risk of backflow at a later date on the assumption that the sewerage network may surcharge to ground water level during storm conditions.

Tree Officer – Comments incorporated into report

Biodiversity Officer – Comments incorporated into report

Officers' Assessment:

Site Description

1. The application site relates to a corner plot comprising an existing detached timber clad house built in the early 1960s along with its associated garden area. The site lies at the north-eastern end of Hill Top Road on the juncture between where the road ends and leads on to Southfield Golf Club and Jack Howarth House beyond. Whilst the main road continues around the side of the site it should be noted that the front boundary between Nos. 69 and 71 Hill Top Road marks the end of the adopted public highway and as such, the site is only accessible from a private road which is owned and maintained by Magdalen College.

2. The existing house is sited, unusually for Hill Top Road, towards the rear of the plot and well back from the road frontage. The vast majority of other houses along the road are semi-detached pairs which are sited and orientated in a uniform fashion, facing towards the road and set back similar distances from the road frontage with small front gardens. The existing house is generally well screened from the road by rather overgrown boundary vegetation and both the site and house have evidently lacked regular upkeep such that the house has fallen into disrepair. Only the existing boundary hedging is preventing the existing house from being clearly visible from the street and therefore something of an eyesore.

3. Hill Top Road is overwhelmingly residential in nature with the majority of houses being relatively large, three storey properties of conventional, town house appearance occupying plots of mostly similar sizes characterised by their longer

depth and comparatively narrow width.

The Proposal

4. The application seeks consent for the removal of the existing, detached dwelling and its replacement by a pair of three storey, four bedroom semi-detached houses along with associated car parking, bin and cycle storage. Off-street parking is proposed to be created and accessed from the privately owned section of Hill Top Road opposite the entrance to the golf course.

5. Officers consider the principal determining issues in this case to be:

- Principle
- Design
- Amenity
- Impact on Neighbouring Amenity
- Trees
- Parking/Highway Implications

Principle

6. The site comprises an existing house and a carport though, in the main, the new development will take place on currently undeveloped garden land. Residential garden land is no longer defined as previously developed land in Government guidance thus the principle of developing the site must be considered. However, the site is not considered to be of significant environmental value such that, providing a development responds to the wider residential and public environment, the requirement to make more efficient use of land within a sustainable location should outweigh the desire to retain the existing residential garden. Policy CS2 of the Core Strategy and policy CP6 of the Local Plan reflect Government guidance by seeking to concentrate development on sustainably located land and encourage the efficient use of sites provided proposals are appropriate to sites and their context in order to prevent undue pressure on less sustainably located sites or those of greater environmental value. Consequently, officers consider the principle of further residential development on the site to be acceptable in line with development plan policy and national guidance.

Design

7. The existing building on the site is in a poor state of repair. It is in many ways an anomaly within the street in that it sits on a disproportionately large plot, sits well back from the road and, as result of its orientation and distance from the front, does not have an active street frontage. In addition, given its condition and anomalous construction materials it is not in keeping with the prevailing streetscene and the site's context. The demolition of the existing house and its replacement is therefore welcomed.

8. Policies CP1 and CP8 of the Local Plan require development proposals to integrate well with the surrounding area and respond to local character. These requirements are reflected in policy CS18 of the Core Strategy. In addition, policy HP10 of the emerging Sites and Housing Plan has a specific policy relating to residential development on garden land. This policy states that planning permission will be granted for such developments provided: the size of the plot to be developed is of an appropriate size and shape to satisfactorily accommodate

the proposal, the proposal responds to the character and appearance of the area including views from streets, and that any biodiversity value on the site is mitigated. Whilst policy HP10 has not been formally adopted it is being given weight in decision making by the Council in accordance with Government guidance.

9. The proposed site layout results in two plots that reflect the general plot layout along the majority of Hill Top Road in that they are relatively deep but somewhat narrow. The buildings are three stories in height, of traditional townhouse appearance and match the scale of the majority of nearby houses. Whilst the proposed houses also have a basement level this does not visibly affect the scale of the buildings from the street and would therefore not result in them appearing in any way out of character. In addition, the two storey front bay features, the gabled form of the roofs and the general vertical emphasis of the buildings ensure that they are in keeping with the vernacular architectural style. Furthermore the dormer windows proposed are of relatively traditional form and proportion that help accentuate the verticality of the proposed townhouses. The houses are proposed to be constructed using facing bricks and yellow ochre plain clay tiles which takes reference from a number of other properties within the street and is therefore considered to be appropriate.

10. Consequently, with respect to the grain, form, scale and materials of the development proposed, officers consider that the new houses would form an appropriate visual relationship with their surroundings.

Amenity

11. Policy HS21 of the Local Plan and policy HP13 of the emerging Sites and Housing Plan require new family sized dwellings to be served by private amenity spaces of reasonable quality and of a size proportionate to the dwelling. Policy HS21 specifically requires private garden lengths of at least 10m.

12. The private amenity areas of the two proposed houses comfortably exceed the policy requirements in terms of the amount of space provided and are of a sensible layout such that they represent genuinely usable space. The houses would be able to be overlooked by each other and 69 Hill Top Road in terms of first and second floor windows views however this is common to almost all of the other properties within the street.

13. Policy HP12 requires new family sized dwellings such as those proposed to be at least 75 sq m in floor space. The proposed houses are considerably larger than this minimum requirement and thus comply with this policy requirement

13. In line with the requirements of policies CP10 and TR4 of the Local Plan the houses are proposed to be served by enclosed bin storage facilities and secure cycle parking which allow easy access via the sides of the houses to the road at the front.

Impact on Neighbouring Amenity

14. Policies CP1, CP10 and HS19 of the Local Plan require proposals to adequately safeguard neighbouring amenity with respect to privacy, outlook and

light amongst other things.

15. The site is bounded on only one side by an existing residential property. To the northwest lies 69 Hill Top Road, one of a pair of semi-detached houses built circa 1915. The proposed houses are similar in height and depth to the adjacent property so that they do not project past existing front or rear walls and thus do not materially harm the outlook or light enjoyed from the rear garden or front/rear facing habitable rooms of the neighbouring house.

16. The side wall of No. 69 does however contain a number of windows and has habitable rooms with their sole windows facing towards the application site. This arrangement has evolved due to the fact that, unlike other houses in the street, there has never been a building immediately to the side of it and thus has rooms with windows that have always faced out towards the garden of No. 71.

17. Following concerns raised by officers in relation to the now withdrawn previous application, the current application has resulted in the proposed houses being re-sited such that they are a minimum of 5.2m from the side wall of No. 69.

18. At ground floor level, No. 69 has a kitchen-diner with four double sash and casement windows located approximately half to two-thirds of the way towards the rearmost wall of the house. The room therefore benefits from quite a significant amount of fenestration such that, despite a now significant boundary hedgerow just outside the window, it still enjoys reasonable levels of light.

19. The proposed development involves the significant pruning of the boundary hedge (which has predominantly grown at an angle onto the application site with the exception of the stems) such that it will, in all likelihood, be unlikely to survive in anyway meaningful way. Such pruning/lopping works on the application site can of course take place at any time without the benefit of planning. The removal of this boundary hedge, which contributes little to public amenity since it is not immediately visible from the street, will allow a materially greater amount of light into the ground floor side windows of No. 69. Whilst the proposed houses, by virtue of their proximity and height, will result in a reduction in daylight and sunlight being received into the neighbouring house, the comparatively generous distance between the two pairs of houses is considered to be sufficient to allow reasonable levels of diffuse daylight to enter the windows through the gap between the houses. Such levels of daylight will only be increased by the partial/total loss of the boundary hedging. It is also worthy of note that, other than the boundary hedge, there are no trees close to the ground floor side windows to block out daylight such that the remaining sunlight/daylight received through the gap between the houses would be uninterrupted. Officers consider that it should be recognised that the proposed gap between the houses is generous in the context of gaps in the rest of the street and that, whilst it would affect the amount of light received in to the ground floor kitchen windows, this would not amount to significant harm to the extent that the application should be refused on these grounds.

20. In addition to the impact on light, the presence of a building adjacent to No. 69 will, to an extent, affect the outlook from its side windows. However, for similar

reasons as stated above, the gap between the houses is generous in the context of the street and considered to be more than adequate to prevent significant harm to the enjoyment of side facing habitable rooms.

21. Bedrooms at first and second floor level face towards the proposed development. In the case of the second floor bedroom this also enjoys a window in the front elevation and thus good levels of light enter into the room from more than one source. Any loss of light or harm to the outlook from the side window is therefore considered to be insignificant. At first floor level a bedroom window faces the proposed houses and, whilst it is acknowledged that there will be some loss of light into the window and the pleasant outlook from it, a reasonable amount of light will enter the window above the top of the adjacent house and through the reasonable sized gap between the two houses as well as from an existing secondary rear facing window.

22. Officers have assessed the proposals in the context of the daylight/sunlight guidance set out in Appendix 6 of the Local Plan. With respect to the ground floor side windows officers consider there to be a minor contravention of this guidance given that typically a building should not intersect a virtual line drawn straight out from the window at 45 degrees in the vertical plane. In fact, in this case, it is approximately a 50 degree angle that it necessary to extend above the height of the proposed buildings. However, it should be noted that the details in the appendix are only guidance and specifically references the need to take account of other relevant factors. In this case the reduction in boundary hedging, the significant levels of fenestration in the room and the generous gap between the houses in the context of the street are considered to be sufficient to consider the development acceptable in this regard.

23. With respect to first and second floor bedroom windows, the proposals comply with the daylight guidance set out in the Local Plan which further confirms the development's acceptability in amenity terms.

24. Windows are proposed to be inserted in the side of proposed unit 71a though all of these are proposed to be obscurely glazed. Consequently there will be no loss of privacy by those using side facing rooms of No. 69. A condition is recommended to be imposed preventing the insertion of further windows without consent from the Council to ensure neighbouring amenity is safeguarded. In addition, a further condition is recommended to be imposed removing permitted development rights for future owners of the proposed houses to construct extensions to the property to ensure that consideration can be given to the merits of any development in light of the need to safeguard the amenity enjoyed by occupiers of No. 69.

Trees

25. There is only one tree on the application site, a conifer, though this is considered to be of low public amenity value and therefore officers have no objection to its loss. This tree is actually however located on land outside the ownership/control of the applicant and thus consent to remove the tree will be required from the landowner, presumed to be Magdalen College. The existing boundary hedge that runs along the edge of Hill Top Road is proposed to be

removed and, given its limited contribution to public amenity, officers do not consider this objectionable. The boundary hedge between No. 69 and the application site is also proposed to be removed. Whilst it seems clear that the hedgerow is planted outside the application site they have grown at an angle such that the main body of it is on the application site. Therefore, it is proposed to be removed from the development site to facilitate the proposals which will, in all likelihood, result in the long-term loss of the hedgerow. However, given that hedge simply serves as a soft boundary between residential properties and does contribute in any meaningful way to public amenity, this is not considered to be objectionable.

26. A large conifer tree lies outside the site on the opposite side of Hill Top Road on the corner of Southfield Golf Club. Whilst this tree does make something of a positive contribution to visual amenity, the development proposed is located well outside the root protection area of this tree such that no harm is considered likely to occur.

Parking/Highway Implications

27. The new houses are proposed to be served by two off-street parking spaces each with use of a turning space at the rear of the site utilising the existing access point. This level of parking accords with the standards for four bedroom houses as set out in policy TR3 of the Local Plan. Hill Top Road suffers from exceptional parking pressure, particularly during university term-time and by the end of September 2012 will be covered by a new controlled parking zone (CPZ). This controlled parking zone will extend up to the end of the adopted highway (the boundary between No. 69 and No. 71 Hill Top Road) with only those properties within the CPZ being eligible for parking permits. Consequently there will be no opportunity for any on-street parking associated with the new houses from the date of the formal imposition of the CPZ. Consequently, the level and accessibility of off-street parking proposed is considered acceptable and the development would not lead to an increase in on-street parking such that highway safety and the functioning of the highway will not be compromised. Indeed the Highway Authority has additionally not objected to the scheme. A condition has been recommended to be imposed however requiring relevant vision splays to be provided prior to occupation of the houses so that highway safety is not affected by the movement of vehicles into and out of the parking spaces.

Other Matters

28. The site lies within a landscape of a Roman field system and pottery manufacturing areas associated with the nationally important Oxford pottery industry. Whilst the nearest recorded pottery manufacturing sites are some distance away at the Churchill Hospital, recent investigations at Southfield Golf Course have produced some evidence for late prehistoric or early Roman metal working 90m to the south of the application site. Consequently, a condition is recommended to be imposed requiring a written scheme of investigation to be produced by a qualified Archaeologist and agreed by the Council prior to the commencement of the development.

29. A third party objection has stated that the application site has some

environmental value in the form of biodiversity given that it is adjacent to Warneford Meadow. Officers however are not aware of any evidence to support the assertion that the site specifically provides a habitat for protected species or been given cause to investigate any recordings of protected species in the immediate vicinity of the site. Consequently officers do not consider it reasonable to object to the proposals on these grounds.

30. Despite concerns raised by a third party there is no statutory requirement for applicants/developers to consult stakeholders on small scale proposals such as those proposed though officers would always recommend this as good practice. Additionally, any legal restrictions/covenants relating to the application site are not a planning matter and the grant of planning permission would not discharge the applicant from their responsibilities to otherwise development the site lawfully.

Conclusion:

31. The proposals are considered to make more efficient use of a site in a way that is appropriate to the site and its context without resulting in unacceptable harm to neighbouring amenity. Consequently officers recommend Committee approve the application subject to the conditions suggested.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 61/11487/A_H, 92/00993/NF and 12/00903/FUL

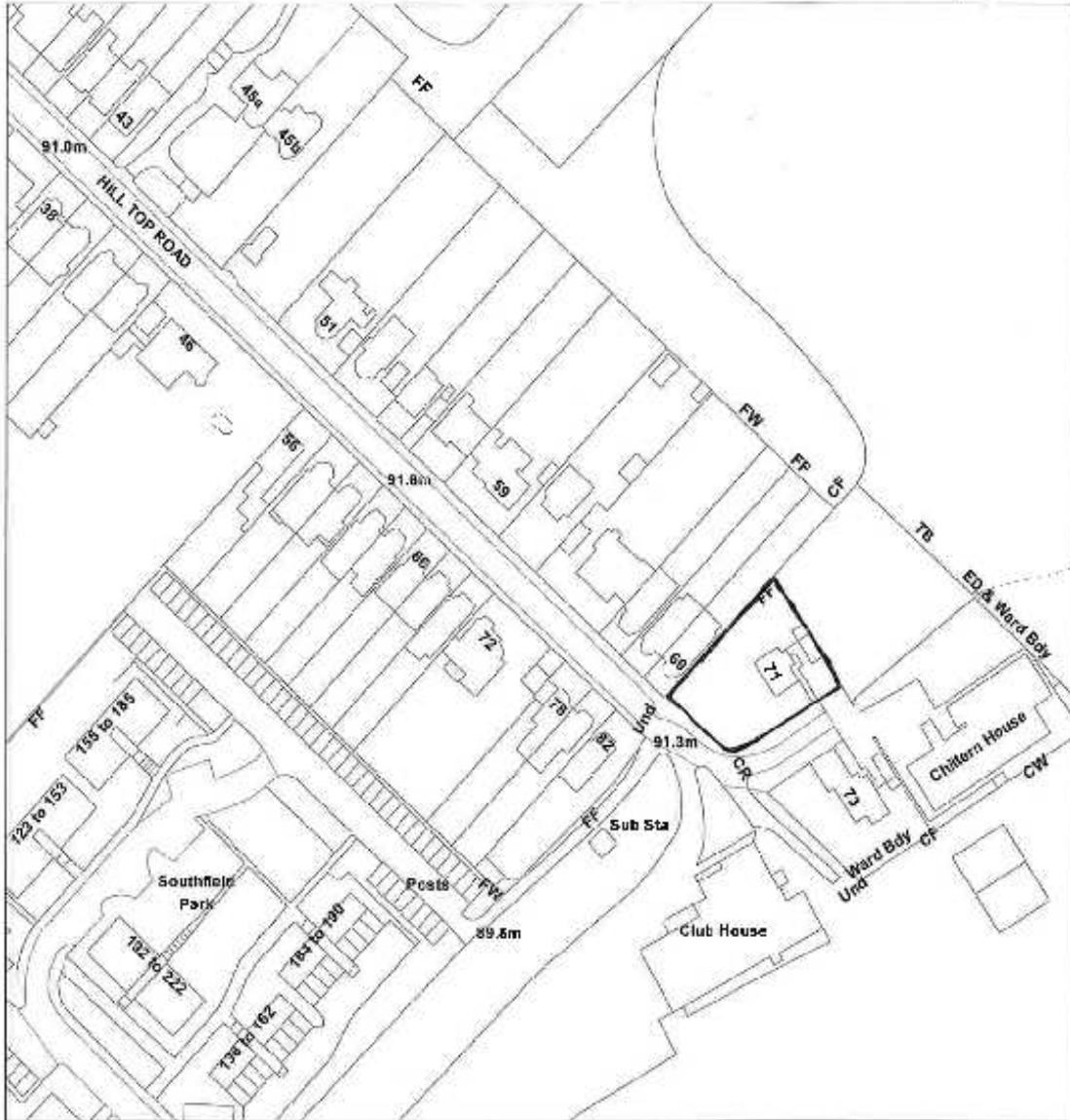
Contact Officer: Matthew Parry

Extension: 2160

Date: 3rd September 2012

Appendix 1

71 Hill Top Road



Scale : 1:1250

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